

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE MARSH ERISA LITIGATION

Master File No. 04-CV-8157 (CM)

This Document Relates To: All Actions

**NAMED PLAINTIFFS' MOTION FOR ORDER PRELIMINARILY APPROVING
SETTLEMENT, PRELIMINARILY CERTIFYING SETTLEMENT CLASS,
APPROVING NOTICE PLAN, AND SETTING A FAIRNESS HEARING DATE**

Named Plaintiffs¹ respectfully move for an order: (a) granting preliminary approval of the Settlement of the ERISA Action; (b) granting certification of the proposed Settlement Class pursuant to Fed. R. Civ. P. 23(b)(1) and (2); (c) approving the forms for the mailing and publication of the Notice of Settlement; (d) authorizing the mailing and publication of those notices; and (e) setting the date and time for the Fairness Hearing for the proposed Settlement and related deadlines as set forth in the proposed Order for Notice and Hearing.² This Motion is supported by the Memorandum in Support, filed this same date, and the Stipulation and Agreement of Settlement dated September 9, 2009, a true and correct copy of which is attached to the Memorandum in Support of this Motion as Exhibit 1.

¹ The following individuals are named plaintiffs in this matter: Donald Hundley, Conrad Simon and Leticia Hernandez (collectively, "Named Plaintiffs").

² The [Proposed] Order Preliminarily Approving Settlement, Preliminary Certifying Settlement Class, Approving Notice Plan and Settling Fairness Hearing Date ("Order for Notice and Hearing") is attached to the Settlement Agreement (filed herewith as Exhibit 1 to the Memorandum in Support) as Exhibit A.

Respectfully submitted this 9th day of November, 2009.

/s/ Cari Laufenberg

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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2009, a true and correct copy of the foregoing
Named Plaintiffs' Motion for Order Preliminarily Approving Settlement, Preliminarily
Certifying Settlement Class, Approving Notice Plan and Setting a Fairness Hearing Date was
served via the court's electronic filing system upon the counsel as set forth below:

Dated: November 9, 2009

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